



THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
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January 17, 2025

**BY ECF**

Honorable Jennifer Willis  
United States Magistrate Judge  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, NY 10007

Re: Brandon A. Covial v. Marvin Francillion, et al.,  
24-CV-4817 (PAE) (JW)

Your Honor:

I am a Senior Counsel in the Office of Muriel Goode-Trufant, Corporation Counsel of the City of New York, representing defendants City of New York, Marvin Francillion s/h/a Marvin Francillion, and Thomas Walsh in the above-referenced matter. Defendants write respectfully to request a 30-day extension of their time to answer or otherwise respond to the complaint from January 19, 2025, until 30-days after Plaintiff has provided a properly executed § 160.50 release. Plaintiff has not responded to defendants' request for consent to this application.

At the outset, the undersigned sincerely apologizes for failing to comply with Your Honor's Individual Rule I.C. by filing this request on the date of the deadline rather than at least two business days in advance.

By way of background, as set forth in our December 13, 2024 letter to the Court (ECF No. 22) and January 13, 2025 letter motion (ECF No. 24), Defendants have been unable to effectively communicate with Plaintiff due to apparent issues with his mailing address, nor have Defendants been able to obtain the necessary Criminal Procedure Law § 160.50 release from Plaintiff despite multiple attempts. The Court has not ruled on either of these requests. In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, Defendants need additional time to investigate the allegations set forth in the Complaint. Furthermore, as explained in Defendants' January 13 letter motion, the records of the underlying incident may be sealed pursuant to New York Criminal Procedure Law § 160.50, and Defendants

are still awaiting Plaintiff's execution of the release form that would allow access to these records, which are necessary to properly evaluate and respond to the claims in the Complaint.

This is Defendants' second request for an extension of time to respond to the Complaint. The Court previously granted Defendant City's first request for an extension (ECF No. 15) by Order dated November 19, 2024 (ECF No. 16), extending the City's time to respond to January 19, 2025. Subsequently, by Order dated November 26, 2024, the Court, *sua sponte*, extended the response deadline for defendants Francillon, Walsh, Gugliome, and Lee to match the City's deadline of January 19, 2025. (ECF No. 19).

For the reasons set forth herein, Defendants respectfully request that their time to answer or otherwise respond to the Complaint be extended until 30-days after Plaintiff has provided a properly executed § 160.50 release.

Defendants thank the Court for its time and consideration of this request.

Respectfully Submitted,

*Joseph Zangrilli /s/*

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